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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,)
11 Plaintiff,)
12 v.) 2:09-CV-2239-RLH (PAL)
13 \$10,935.71 IN UNITED STATES CURRENCY,)
14 Defendant.)

**UNITED STATES' UNOPPOSED MOTION TO
CONTINUE THE DATE TO FILE ITS COMPLAINT FOR
FORFEITURE IN REM IN THE ABOVE-CAPTIONED MATTER
(Fourth Request)**

18 The United States of America (“United States”), by and through Daniel G. Bogden, United
19 States Attorney for the District of Nevada, and Michael A. Humphreys, Assistant United States
20 Attorney, respectfully applies for an extension of time until and including October 12, 2010, pursuant
21 to 18 U.S.C. § 983(a)(3)(A), for the United States to file a civil Complaint for Forfeiture In Rem,
22 against \$10,935.71 in United States Currency. The Government’s Complaint is currently due July
23 12, 2010. Theo Spyer and numerous of his associates have been the focus of a historical state/federal
24 criminal investigation into their activities of alleged unlawful gaming activities in Nevada and
25 elsewhere. Generally speaking, the Government has developed information that Spyer and others
26 were operating an illegal book-making operation from approximately December 2008 through

1 approximately April 2009, all in violation of 18 U.S.C. § 1084 and other federal anti-gambling
2 statutes. A principal situs of that illegal operation was Las Vegas, Nevada.

3 Spyer is recently aware of that investigation and, with his counsel, has been engaged in plea
4 negotiations with the Government in an endeavor to complete a universal disposition. Those
5 negotiations continue. In the meantime, the Government has a deadline, under the strictures of 18
6 U.S.C. § 983(a)(3)(A), to file its forfeiture complaint, regarding the above-captioned currency, no
7 later than July 12, 2010.

8 The afore-referenced plea negotiations will not be completed by the time the Government is
9 required to file its complaint.

10 The Government, herewith, petitions this Court to extend the time for the Government to file
11 its civil complaint in the above-captioned matter, to facilitate a possible, if not likely, universal plea
12 disposition.

13 Under 18 U.S.C. § 983(a)(3)(A), which states:

14 [T]he Government shall file a complaint for forfeiture in the manner
15 set forth in the Supplemental Rules for Certain Admiralty and
16 Maritime Claims . . . , a court in the district in which a complaint
will be filed may extend the period for filing a complaint for good
cause shown or *upon agreement of the parties*. (emphasis added)

17 A district court has the authority under 18 U.S.C. § 983(a)(3)(A) to extend the period for
18 filing a Civil Complaint For Forfeiture In Rem. On November 23, 2009, Spyer's counsel, Lawrence
19 Semenza, agreed to the extension of time and authorized counsel for the United States to file this
20 Unopposed Motion with this Court. Because the parties have agreed to the extension of time to file
21 a Civil Complaint For Forfeiture In Rem, this Court should extend the time.

22 On April 9, 2010, Spyer's counsel, Lawrence Semenza, agreed to the extension of time and
23 authorized counsel for the United States to file this Unopposed Motion with this Court. Because the
24 parties have agreed to the extension of time to file a Civil Complaint For Forfeiture In Rem, this Court
25 should extend the time.

26 . . .

1 On July 9, 2010, Spyer's counsel, Lawrence Semenza, agreed to the extension of time and
2 authorized counsel for the United States to file this Unopposed Motion with this Court. Because the
3 parties have agreed to the extension of time to file a Civil Complaint For Forfeiture In Rem, this Court
4 should extend the time.

This Unopposed Motion is not submitted solely for the purpose of delay or for any other improper purpose.

7 WHEREFORE, pursuant to 18 U.S.C. § 983(a)(3)(A), the United States moves this Court to
8 grant it's motion to extend the time for the United States to file it's civil complaint in the above-
9 captioned matter for an additional Ninety-Two (92) days, or until October 12, 2010.

10 DATED this 12th day of July 2010.

Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

14 /s/Michael A. Humphreys
15 MICHAEL A. HUMPHREYS
Assistant United States Attorney

IT IS SO ORDERED:

Roger L. Hunt
UNITED STATES DISTRICT JUDGE

DATED: July 13, 2010

PROOF OF SERVICE

I, Alexandra M. McWhorter, certify that Claimant's counsel, Lawrence J. Semenza, was served with a copy of the United States' Unopposed Motion to Continue the Date to File its Complaint for Forfeiture in Rem in the Above-captioned Matter (Fourth Request) on July 12, 2010, by the below identified method of service:

U.S. Mail

Lawrence J. Semenza
3025 E. Post. St.
Las Vegas, NV 89120
Counsel for Theo Spyker

/s/AlexandraMMcWhorter
ALEXANDRA M .MCWHORTER
Forfeiture Support Associates Paralegal